

By: Latiff, Duhman

SJ.R. No. 15

SENATE
A JOINT RESOLUTION

1 proposing a constitutional amendment to authorize the exemption
2 from ad valorem taxation of property owned by a nonprofit water
3 supply or wastewater service corporation.

4 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Article VIII of the Texas Constitution is amended
6 by adding Section 1-k to read as follows:

7 Sec. 1-k. The legislature by general law may exempt from ad
8 valorem taxation property owned by a nonprofit corporation
9 organized to supply water or provide wastewater service that
10 provides in the bylaws of the corporation that on dissolution of
11 the corporation, the assets of the corporation remaining after
12 discharge of the corporation's indebtedness shall be transferred to
13 an entity that provides a water supply or wastewater service, or
14 both, that is exempt from ad valorem taxation, if the property is
15 reasonably necessary for and used in the acquisition, treatment,
16 storage, transportation, sale, or distribution of water or the
17 provision of wastewater service.

18 SECTION 2. This proposed constitutional amendment shall be
19 submitted to the voters at an election to be held November 5, 1991.
20 The ballot shall be printed to provide for voting for or against
21 the proposition: "The constitutional amendment authorizing the
22 legislature to exempt from ad valorem taxes certain property of a
23 nonprofit corporation that supplies water or provides wastewater
24 service."

4-25-91

4-29-91

5-18-91

1 By: Ratliff, Dickson S.J.R. No. 15
2 (In the Senate - Filed February 6, 1991; February 11, 1991,
3 read first time and referred to Committee on Finance;
4 April 25, 1991, reported favorably by the following vote: Yeas 10,
5 Nays 0; April 25, 1991, sent to printer.)

6 COMMITTEE VOTE

	Yea	Nay	PNV	Absent
7 Montford	x			
8 Barrientos	x			
9 Armbrister	x			
10 Bivins	x			
11 Brooks	x			
12 Haley	x			
13 Johnson				x
14 Parker				x
15 Ratliff	x			
16 Sims	x			
17 Tejada	x			
18 Truan				x
19 Turner	x			

21 SENATE JOINT RESOLUTION

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44 nonprofit corporation that supplies water or provides wastewater
45 service."

46 * * * * *

47 Austin, Texas
48 April 25, 1991

49 Hon. Bob Bullock
50 President of the Senate

51 Sir:

52 We, your Committee on Finance to which was referred S.J.R. No. 15,
53 have had the same under consideration, and I am instructed to
54 report it back to the Senate with the recommendation that it do
55 pass and be printed.

56 Montford, Chairman

**FAVORABLE
SENATE COMMITTEE REPORT ON**

SCR

(SJR)

SR

~~HB~~

HCR

HJR

15

By

SAHiff
(Author/Senate Sponsor)

4-24-91
(date of submission to Senate)

Lt. Governor Bob Bullock
President of the Senate

Sir:

We, your Committee on Finance, to which was referred the attached measure,
have on 4-24-91 (date of hearing), had the same under consideration and I am instructed to report it
back with the recommendation (s) that it:

- ☒ do pass and be printed
☐ do pass and be ordered not printed
☐ and is recommended for placement on the Local and Uncontested Bills Calendar.

A fiscal note was requested. ☒ yes ☐ no

A revised fiscal note was requested. ☐ yes ☒ no

An actuarial analysis was requested. ☐ yes ☒ no

Considered by subcommittee. ☒ yes ☐ no

The measure was reported from Committee by the following vote:

	YEA	NAY	ABSENT	PNV
Montford, Chairman	<input checked="" type="checkbox"/>			
Barrientos, Vice-Chairman	<input checked="" type="checkbox"/>			
Armbrister	<input checked="" type="checkbox"/>			
Bivins	<input checked="" type="checkbox"/>			
Brooks	<input checked="" type="checkbox"/>			
Haley	<input checked="" type="checkbox"/>			
Johnson			<input checked="" type="checkbox"/>	
Parker			<input checked="" type="checkbox"/>	
Ratliff	<input checked="" type="checkbox"/>			
Sims	<input checked="" type="checkbox"/>			
Tejeda	<input checked="" type="checkbox"/>			
Truan			<input checked="" type="checkbox"/>	
Turner	<input checked="" type="checkbox"/>			
TOTAL VOTES	<u>10</u>	<u>0</u>	<u>3</u>	<u>0</u>

COMMITTEE ACTION

S269 Considered in public hearing

S270 Testimony taken

COMMITTEE CLERK

CHAIRMAN

Paper clip the original and one copy of this signed form to the original bill
Deliver one copy of this form to the Calendar Clerk, Room 218 Capitol
Deliver one copy of this form to the Legislative Reference Library, Room 207B Capitol
Retain one copy of this form for Committee files

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE

March 19, 1991

TO: Honorable John Montford, Chairman
Committee on Finance
Senate Chamber
Austin, Texas

IN RE: Senate Joint Resolution No. 15
By: Ratliff

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Senate Joint Resolution No. 15 (proposing a constitutional amendment to authorize the exemption from ad valorem taxation of property owned by a nonprofit water supply or wastewater service corporation) this office has determined the following:

The fiscal implication to units of local government cannot be determined.

The cost of publication of the resolution to the State is \$60,000.

Source: Water Development Board, Texas Water Commission, State Property Tax Board;
LBB Staff: JO, JWH, DF, JOB, HES, LC

April 29 1991 Engrossed
Larry Spaw
Engrossing Clerk

1991 MAY -7 PM 5:38

I certify that the attached is a true and correct
copy of SJR 15, which was
received from the Senate on 4-29-91 and
referred to the Committee on Ways & Means
Frank G. Meers
Chief Clerk of the House

By: Ratliff, Dickson
(Johnson of Nacogdoches)

S.J.R. No. 15

SENATE JOINT RESOLUTION

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LBB Staff: JO, JWH, DF, JOB, HES, LC

HOUSE COMMITTEE REPORT

1st Printing

91 MAY 15 AM 12:15

HOUSE OF REPRESENTATIVES

By: Ratliff, Dickson
(Johnson of Nacogdoches)

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COMMITTEE REPORT

The Honorable Gib Lewis
Speaker of the House of Representatives

5/14/91
(date)

Sir:

We, your COMMITTEE ON WAYS AND MEANS,

to whom was referred SJR 15 have had the same under consideration and beg to report
(measure)

back with the recommendation that it

(☒) do pass, without amendment.

() do pass, with amendment(s).

() do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.

A fiscal note was requested. (☒) yes () no

An author's fiscal statement was requested. () yes (☒) no

A criminal justice policy impact statement was requested. () yes (☒) no

An equalized educational funding impact statement was requested. (☒) yes () no

An actuarial analysis was requested. () yes (☒) no

A water development policy impact statement was requested. () yes (☒) no

A federal funds impact statement was requested. () yes (☒) no

() The Committee recommends that this measure be sent to the Committee on Local and Consent Calendars.

This measure () proposes new law. (☒) amends existing law.

House Sponsor of Senate Measure J. Johnson

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Hury, Ch.	<input checked="" type="checkbox"/>			
Evans, V.C.				<input checked="" type="checkbox"/>
Oliveira, C.B.O.	<input checked="" type="checkbox"/>			
Berlanga	<input checked="" type="checkbox"/>			
Earley	<input checked="" type="checkbox"/>			
Heflin	<input checked="" type="checkbox"/>			
Johnson, S.				<input checked="" type="checkbox"/>
Price	<input checked="" type="checkbox"/>			
Seidlits				<input checked="" type="checkbox"/>
Watkins	<input checked="" type="checkbox"/>			
Williamson	<input checked="" type="checkbox"/>			
Wilson				<input checked="" type="checkbox"/>
Wolens	<input checked="" type="checkbox"/>			

Total
9 aye
0 nay
0 present, not voting
4 absent

James Hury
CHAIRMAN
Deborah K. McCabe
COMMITTEE COORDINATOR

JOINT RESOLUTION ANALYSIS

BACKGROUND INFORMATION

Current Texas law (Article 1434a, V.T.C.S.) provides for the creation and operation of non-profit corporations that supply water to their shareholders. Section 11.18 (d)(7), Tax Code, provides that an organization engaged exclusively in acquiring, storing, transporting, or distributing water for public use may qualify for a charitable organization exemption if it meets the other requirements of that section. The constitutionality of this exemption has been challenged twice in the courts of appeals (Military Highway Water Supply Corp. v. Boone and Willacy County Appraisal District v. North Alamo Water Supply Corp.). In both instances the court denied exemption to the water supply corporation without reaching the constitutional issue.

PURPOSE

This measure proposes a constitutional amendment which would allow the legislature to grant an ad valorem tax exemption for property reasonably necessary for and used by a non-profit water supply corporation to provide services.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article VIII of the Texas Constitution by adding Section 1-k.

1-k. Allows the legislature to exempt property reasonably necessary for and used by a non-profit water supply or wastewater service corporation in acquiring, treating, storing, or distributing water or providing wastewater services if the corporation provides for its assets to be transferred to another nonprofit wastewater corporation upon its dissolution.

SECTION 2. Requires submission to the voters on November 5, 1991; specifies ballot language.

RULEMAKING AUTHORITY

It is the committee's opinion that this measure does not delegate rulemaking authority to any state officer, agency, department, or institution.

SUMMARY OF COMMITTEE ACTION

On February 27, 1991, the Chair referred H.J.R. 18, the House companion measure, to the Property Tax Subcommittee consisting of the following members: Seidlits - Chair; Heflin - V.C.; Berlanga; Earley; and, Watkins.

Public notice was posted in accordance to House rules and a subcommittee public hearing was held on March 20, 1991. The following persons testified in support: Mr. Terral Smith, representing the Texas Rural Water Association; Mr. John Burke, representing himself and Aqua Water Supply Corp.; and, Mr. Tommy Duck, representing the Texas Rural Water Association. Mr. George Moff, representing himself, testified in opposition. Mr. Russell Graham, representing himself, testified on the bill. H.J.R. 18 was left pending on that date.

On March 27, 1991, the subcommittee met in a public hearing and voted to report H.J.R. 18 to the full committee without amendment.

On April 16, the full committee voted to report H.J.R. 18 to the House without amendment with the recommendation that it do pass by a record vote of 10 ayes, 0 nays, 0 present not voting, and 3 absent.

On May 14, 1991, the full committee voted to report S.J.R. 15 to the House without amendment with the recommendation that it do pass by a record vote of 9 ayes, 0 nays, 0 present not voting, and 4 absent.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE

May 7, 1991

TO: Honorable James Hury, Chair
Committee on Ways and Means
House of Representatives
Austin, Texas

IN RE: Senate Joint Resolution No. 15,
as engrossed
By: Ratliff

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Senate Joint Resolution No. 15, as engrossed (proposing a constitutional amendment to authorize the exemption from ad valorem taxation of property owned by a nonprofit water supply or wastewater service corporation) this office has determined the following:

The fiscal implication to units of local government cannot be determined.

The cost of publication of the resolution to the State is \$60,000. The state would incur additional costs under the Foundation School Program (FSP) to the extent, under enabling legislation such as SB 325, that local school district property values declined as result of the new exemption. These costs cannot be determined.

Source: Water Development Board, Texas Water Commission, State Property Tax Board;
LBB Staff: JO, JWH, DF, JOB, HES, LC

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE

March 19, 1991

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Committee on Finance By: Ratliff
Senate Chamber
Austin, Texas

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LEGISLATIVE BUDGET BOARD

EQUALIZED EDUCATION FUNDING IMPACT STATEMENT

May 9, 1991

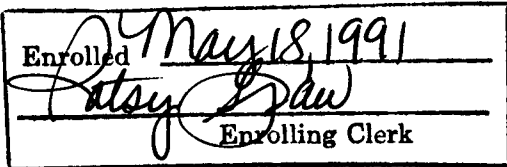
To: Honorable James Hury, Chair
Committee on Ways & Means

In Re: Senate Joint Resolution
No. 15, as engrossed
By: Ratliff, et al

From: Jim Oliver, Director

In response to your request for an Equalized Education Funding Impact Statement on Senate Joint Resolution No. 15, as engrossed (proposing a constitutional amendment to authorize the exemption from ad valorem taxation of property owned by a nonprofit water supply or wastewater service corporation), this office has determined the following:

The impact of this resolution on equalized funding requirements and policies affecting public education cannot be ascertained.



S.J.R. No. 15

SENATE JOINT RESOLUTION

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Rec'd

S.J.R. No. 15

President of the Senate

Speaker of the House

I hereby certify that S.J.R. No. 15 was adopted by the Senate on April 29, 1991, by the following vote: Yeas 30, Nays 0.

Secretary of the Senate

I hereby certify that S.J.R. No. 15 was adopted by the House on May 17, 1991, by the following vote: Yeas 135, Nays 0, one present not voting.

Chief Clerk of the House

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE

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Committee on Ways and Means
House of Representatives
Austin, Texas

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Source: Water Development Board, Texas Water Commission, State Property Tax Board;
LBB Staff: JO, JWH, DF, JOB, HES, LC

LEGISLATIVE BUDGET BOARD
Austin, Texas

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LEGISLATIVE BUDGET BOARD

EQUALIZED EDUCATION FUNDING IMPACT STATEMENT

May 9, 1991

**To: Honorable James Hury, Chair
Committee on Ways & Means**

**In Re: Senate Joint Resolution
No. 15, as engrossed
By: Ratliff, et al**

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3/9cert

President of the Senate

Speaker of the House

I hereby certify that S.J.R. No. 15 was adopted by the
Senate on April 29, 1991, by the following vote: Yeas 30,
Nays 0.

Secretary of the Senate

I hereby certify that S.J.R. No. 15 was adopted by the
House on May 17, 1991, by the following vote: Yeas 135,
Nays 0. None present not voting

Chief Clerk of the House

S.J.R. No. 15

By Ratliff

SENATE JOINT RESOLUTION

proposing a constitutional amendment to authorize the exemption from ad valorem taxation of property owned by a nonprofit water supply or wastewater service corporation.

2/6/91 Filed with the Secretary of the Senate

FEB 11 1991

Read and referred to Committee on FINANCE

APR 25 1991

Reported favorably

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

Ordered not printed

Laid before the Senate

APR 29 1991

Senate and Constitutional Rules to permit consideration suspended by:

unanimous consent

____ years, ____ nays

APR 29 1991

Read second time, _____, and ordered engrossed by:

unanimous consent
a viva voce vote

____ years, ____ nays

Caption ordered amended to conform to the body of the bill.

APR 29 1991

Senate and Constitutional 3 Day Rule suspended by a vote of 30 yeas, 0 nays.

APR 29 1991

Read third time, _____, and passed by: 30 yeas, 0 nays

Betty King

SECRETARY OF THE SENATE

OTHER ACTION:

April 29, 1991
4-29-91

Engrossed

Sent to House

Engrossing Clerk Satsy Graw

APR 29 1991

Received from the Senate

MAY 2 1991

Read first time and referred to Committee on Ways & Means

MAY 14 1991

Reported favorably amended, sent to Printer 7:25p

MAY 15 1991

Printed and Distributed 12:15am

MAY 17 1991

Sent to Committee on Calendars 11:00am

MAY 17 1991

Read Second time (amended) and finally adopted
~~failed adoption~~ by Record Vote of 135 yeas, 0 nays 1 present not voting.

Read third time (amended) and finally adopted
~~failed adoption~~ by Record Vote of _____ yeas, _____ nays _____ present not voting.

Caption ordered amended to conform to body of bill.

MAY 18 1991

Returned to Senate.

Betty Murray

CHIEF CLERK OF THE HOUSE

MAY 18 1991

Returned from House without amendment.

Returned from House with _____ amendments.

Concurred in House amendments by a viva voce vote _____ yeas, _____ nays.

_____ Refused to concur in House amendments and requested the appointment of a Conference Committee to adjust the differences.

_____ Senate conferees instructed.

_____ Senate conferees appointed: _____, Chairman; _____, _____, and _____

_____ House granted Senate request. House conferees appointed: _____, Chairman; _____, _____, _____, _____

_____ Conference Committee Report read and filed with the Secretary of the Senate.

_____ Conference Committee Report adopted on the part of the House by: _____

{ a viva voce vote
_____ yeas, _____ nays

_____ Conference Committee Report adopted on the part of the Senate by: _____

{ a viva voce vote
_____ yeas, _____ nays

OTHER ACTION:

_____ Recommitted to Conference Committee

_____ Conferees discharged.

_____ Conference Committee Report failed of adoption by: _____

{ a viva voce vote
_____ yeas, _____ nays

91 MAY 15 AM 12:15

HOUSE OF REPRESENTATIVES

fm